

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:)
Jennie CHING et al.)
Serial No.: 09/412,969)
Filed: October 5, 1999)
For: DYNAMIC COMPOSITION AT THE)
SET-TOP BOX)
Group Art Unit: 2611
Examiner: Jason J. Chung

37 C.F.R. § 1.131 DECLARATION

We, the undersigned, are the Applicants for the above-identified patent application and hereby declare the following:

- 1) The pending claims of our above-identified patent application were rejected under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,571,392 to Zigmond et al., which is entitled "Receiving an Information Resource from the Internet if it is not Received from a Broadcast Channel" and issued on May 27, 2003 ("Zigmond").
- 2) The invention claims in the above-identified patent application was reduced to writing in the United States prior to the May 27, 2003 issue date of the Zigmond reference. Attached hereto is the relevant portion of an Invention Disclosure on which the above-identified patent application was based. This Invention Disclosure was prepared prior to May 27, 2003.

We, the undersigned, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Jennie Ching* Signature: _____ Date: _____
Name: Eric Hsiao* Signature: _____ Date: _____
Name: Peter S. Lee* Signature: _____ Date: _____
Name: Edith M. Stern
 EH/S Signature: *Edith M. Stern* Date: 08/27/2004

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Name: Barry E. Willner* Signature: _____ Date: _____

*Unavailable for signature under MPEP § 715.04; no longer employed by IBM and unreachable at last known mailing addresses, email addresses, and phone numbers.